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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,326	05/30/2001	Bryan John Wright	TUC920010023US1	7704
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			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 02/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/870,326

Applicant(s)

WRIGHT, BRYAN JOHN

Examin r

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 14-26, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bardmesser (USP 5986992) and Lavey, Jr. et al ("Lavey, Jr.", USP 6023698).

Regarding claims 1, 16, and 31, Bardmesser teaches the generating a status page to display on a computer display (Fig. 5-7) comprising the displaying status information (storage information) on a resource (disk 1). Bardmesser teaches the display of a status bar (Fig. 5) wherein a first part of the status bar indicates a percent of the used storage (41 in Fig. 5) and a second part of the status bar indicates a percent of the available storage (42 in Fig. 5). Bardmesser does not teach that the bar is a progress bar. However, such feature is known in the art as taught by Lavey. Lavey teaches steps generating a status page to display on a computer display (35) comprising the displaying status information on a resource (Fig. 2C); determining an operation being performed with respect to the resource (downloading information); generating data to display a progress bar (47) indicating a percent of the operation that has completed, wherein a first part of the progress bar indicates a percent of the operation that has completed (dotted area) and a second part of the progress bar

indicates a percent of the operation that has not completed (blank area) (see Fig. 2C); determining an attribute of the operation (percent completed); and generating data to display information with the first part of the progress bar indicating the determined attribute of the operation (46 in Fig. 2C) (col 6, lines 19-23). It would have been obvious to one of ordinary skill in the art, having the teaching of Bardmesser and Lavey before him at the time the invention was made, to modify the interface system taught by Bardmesser to include progress bar taught Lavey with the motivation being to enable the system to display to the user the progress of storage occupancy.

Regarding claims 2, 17, and 32, Lavey teaches indicates a reason the operation is being performed (download information).

Regarding claims 3, 18, and 33, Lavey teaches the determined attribute is capable of having one of multiple values (percentage).

Regarding claims 4, 19, and 34, Lavey teaches the state of the resource after the operation completes (download completion).

Regarding claims 5, 20, and 35, Lavey teaches displaying the first part of the bar in a manner that conveys the information indicating the determined attribute value of the operation (dotted area).

Regarding claims 6, 21, 36, 10, 25, and 40, Lavey teaches the displaying the first and second parts of the bar in different colors (dotted area and blank area).

Regarding claims 7-8, 22-23, and 37-38, Bardmesser teaches that the resource is a storage device (disk 1).

Regarding claims 9, 24, and 39, Bardmesser teaches the configuration of the device (Fig. 7).

Regarding claims 11, 26, and 41, Bardmesser teaches the available storage unit (Fig. 7).

Regarding claims 14, 29, and 44, Lavey teaches a network interface which receives the status information and generating the data to display (Fig. 2C).

Regarding claims 15, 30, and 45, Lavey teaches Internet browser program (Fig. 2A).

3. Claims 12-13, 27-28, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bardmesser, Lavey, and Stallmo et al ("Stallmo", USP 5911779).

Regarding claims 12-13, 27-28, and 42-43, Bardmesser and Lavey do not teach the hot spare storage unit. However, such feature is known in the art as taught by Stallmo. Stallmo teaches a storage device which comprises a RAID and hot spare storage unit (col 10, lines 59-67). It would have been obvious to one of ordinary skill in the art, having the teaching of Bardmesser, Lavey, and Stallmo before him at the time the invention was made, to modify the interface system taught by Bardmesser and Lavey to include a RAID and hot spare storage unit taught by Stallmo with the motivation being to enable the system to provide immediately substitute storage for any active storage unit that fails.

4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach about progress bar which relates to the claimed invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306


and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

11/14/03



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173